



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3017655
Applicant Name: Bradley Khouri for Aloha Ventures LLC
Address of Proposal: 750 11th Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 4-story structure containing 34 residential units. No parking proposed. Storage for 36 bicycles provided. Existing structures to be demolished.

The following Master Use Permit components are required:

Design Review with Departures (Seattle Municipal Code 23.41)

Development Standard Departure side setback to allow 5' reduction on minimum setback. (SMC 23.45.518.A)

Development Standard Departure to allow less than 50% of the amenity area at grade. (SMC 23.45.522.A.2)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

DPD SEPA DETERMINATION:

Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

SITE & VICINITY

Site Zone: Lowrise Three (LR3)

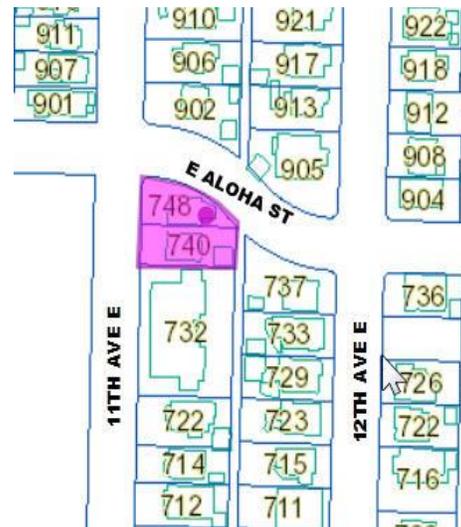
Nearby Zones: North: SF5000

South: LR3

East: SF5000

West: LR3

Lot Area: 9,500 sq. ft.



Current Development, Surrounding Development and Neighborhood Character

The subject site is located on the northeast corner of 11th Avenue E and E Aloha Street. The site consists of two lots and each contains an existing single family residence. The site slopes up from the 11th Avenue E right-of-way toward the east property line. In total, the grade change is approximately 12 feet across the site. The site sits approximately 6 feet above the 11th Avenue E sidewalk where an existing rockery is located. The site contains some mature trees and vegetation. E Aloha Street is designated as a minor arterial street. The site is also located within the Capitol Hill Urban Center.

Vehicular and pedestrian access is available from 11th Avenue E, E Aloha Street and an improved alley along the east property line.

The neighborhood is characterized primarily by single family homes, with a few low- and mid-rise apartment and condominium buildings, most of which date from the early to mid-twentieth century. The single condominium building directly south of the subject lot is four stories tall. The remainder of the buildings are building 2-3 story single family homes and single family homes converted to multifamily structures. Most of these buildings occupy only one or two parcels, creating a fairly consistent scale of development throughout the neighborhood. Many of the existing buildings are set back from the street and from adjacent property lines. Buildings are clad in a variety of materials including wood and brick. To the west of the site is Lowell Elementary School with its large playground occupying the entire block. One block to the north is Volunteer Park.

The area is well served by transit and is beginning to be developed with higher density multi-family residential structures. A light rail station, to open in early 2016, is located five blocks from the subject lot.

Public Comments

The public comment period ended on January 28, 2015. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These other areas of public comment related to parking and public safety. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. ANALYSIS - DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: August 27, 2014 PUBLIC COMMENT

Multiple members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

Building Massing and Setbacks

- Felt proposed building does not relate to other buildings along 11th Avenue E, which provide a setback 30-40 feet from the street. Felt building should provide a larger setback to each street.
- Felt massing should provide a sensitive transition to single family neighbors across the street.
- Concerned about the privacy impacts of the top story looking into adjacent homes and open spaces.
- Felt building massing should relate to the sloping topography of the site.
- Felt neighbors should be able to participate in determining how the height of the structure is measured.
- Concerned about the noise impacts of the exterior walkways in the open courtyard.
- Expressed concern that building location will compromise existing sight lines while exiting from the alley onto the E Aloha Street arterial.
- Felt entrance is more appropriate on 11th Avenue E.
- Felt entrance should be located off of Aloha Street.
- Felt the entrance to the courtyard space should be located on the corner.

Architectural Character and Materials

- Felt project does not respect or enhance neighborhood character. Expressed concern that the modern proposed design is not in character with the neighborhood.
- Would like to see a higher quality material, such as brick, used consistent with the existing architectural character and 1910 and 1920 English brick historic context.
- Felt the Gatsby should be used as a design inspiration for the subject site; incorporating quality materials and finishes.
- Would like to see a building that looks like a house.
- Would like to see substantial glazing along the west façade to utilize existing views.

Density [Staff Note: Density concerns are not within the Design Review Board purview]

- Felt each parcel should be developed separately.

- Felt a townhouse development is more appropriate for the neighborhood.
- Concerned about the demolition of century old homes to provide high density multifamily structures.
- Felt building should include less units.
- Felt unit sizes are too small.
- Felt development should include a mix of residential unit sizes.
- Concerned a high density building will have high turnover in residents.

Parking and Loading [Staff Note: Parking concerns are not within the Design Review Board purview]

- Concerned about lack of parking provided.
- Felt a loading area for residence should be provided on site.
- Concerned about the potential for a passenger loading area on Aloha.

Landscaping

- Noted there is a large, mature tree on the north lot.
- Expressed support for proposed landscaping.

FINAL RECOMMENDATION MEETING: May 27, 2015 DESIGN DEVELOPMENT

The applicant described several changes since EDG, which were made in response to communication with neighbors in the area. The entry was relocated to 11th Ave, the building was lowered in height, setbacks were increased, the north (Aloha) entrance to the courtyard was redesigned, and the roof deck was moved away from the single family residences and screened at the south edge of the building to reduce noise impacts to adjacent neighbors. Bicycle parking was shown in the basement, level with the main entry lobby at 11th Ave and also accessible from an entrance from Aloha via the elevator/stairs.

Materials included brick at the street and alley facing facades, high quality fiber cement (Swiss Pearl or similar) at the upper floors on the street facing facades, and painted cement board at the courtyard and part of the south façade. A two story brick based with larger windows and a decorative metal gate were proposed to emphasize the 11th Ave main entry.

The landscape plan included a layered border of landscaping at the street frontages, stepped down from building to sidewalk to reflect the nearby high bank conditions. A large tree and green screen were shown in the courtyard, with additional landscaping at the roof deck.

The applicant clarified the design of the Aloha courtyard entry, which would be 11.5' wide with soffit lighting and views through to the courtyard. A community room would provide informal working and gathering space for residents adjacent to the courtyard entry, and help to activate the Aloha street frontage. The applicant noted that no gate or fence is currently proposed for the Aloha courtyard entry, but one might be added if it became necessary for security.

PUBLIC COMMENT

The following comments, issues and concerns were raised at the Design Recommendation meeting:

- Appreciated the applicant's response to neighborhood concerns;
- Felt that the entrance on 11th is a better response to the conditions (Aloha is very busy);
- Noted that the design should consider safety and security needs in relation to the nearby park;
- Felt that the proposed departures are reasonable, especially considering the reduction in project size from EDG;
- Felt that the solid waste enclosure design at the southeast corner is a positive aspect of the proposal;
- Asserted that a gate to compliment the design should be provided at the north courtyard entry;
- Appreciated the applicant working with the neighbors to modify the design and provide a positive design transition to single family development;

In addition to the comments raised at the meeting, DPD received several public comment letters between MUP intake and the Recommendation meeting. DPD summarized the design related comments at the Recommendation meeting:

- Supported the proposal and the changes to the design since the Early Design Guidance meeting, including:
 - Reduction in the building height;
 - Setbacks at the northwest corner and 11th Ave;
 - Relocating the entry to 11th Ave;
 - Relocation of the utility room to inside the building; and
 - Overall design expression and relationship to context.
- Concerned with the proposal, including:
 - Insufficient area for loading and people moving in and out;
 - Scale of the development doesn't relate to context;
 - Should retain the holly tree on site;
 - Setbacks should match adjacent structures;
 - Siding should be higher quality materials, like brick; and
 - Roof deck will create noise impacts to neighbors.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE: August 27, 2014

1. **Massing and Building Location.** The Board unanimously favored the preferred massing option 3 which include both north and south facing courtyard space. The Board also directed the massing to include a sensitive transition to the surrounding single family homes and residential uses.
 - a) The Board felt the applicant should study the height of the structure in relationship to the adjacent structures. The Board directed the applicant to explore upper level setbacks on the E Aloha Street, 11th Avenue E façade, and the south façades. The Board felt the massing study should:
 - i) Demonstrate a sensitive transition to the residential uses surrounding the site (CS2-D and DC2-A2).
 - ii) Provide massing relief at the corner at E Aloha Street and 11th Avenue E, which currently contains the tallest portion of the structure on the lowest point of the site (CS2-C1 and DC2-A2).
 - iii) Allow more access for light and air access to the front portion of the site on Aloha Street (CS1-B2, CS2-III, DC3-Iiv).
 - b) The Board felt the applicant should reconsider the proposed rooftop deck. Removing the stair and elevator penthouse would reduce the height of the structure and allow additional resources to apply a quality material application and enhancements in the courtyard open spaces provided at ground level (CS2-D).
 - c) At the Recommendation Meeting, the Board requested to review further clarification on the treatment of the east and south façades to maintain privacy between the residential structures. The Board requested a window overlay diagram and site sections, including adjacent structures, to better understand the relationship between the buildings (CS2-D5 and DC2-B1).
2. **Courtyard.** The Board felt the proposed courtyard was consistent with the Capitol Hill vernacular and neighborhood specific guidelines. The Board noted that Design Alternative three provided the best design alternative by locating courtyards on both the north and south façade.
 - a) The Board enjoyed the design which utilizes the existing sloping topography to locate courtyards at multiple levels. However, the Board also noted that thoughtful lighting and good landscaping was necessary for the lower courtyard to be successful (CS1-C2, DC3-A1 and B2).
 - b) The Board felt the materiality, landscaping and lighting must be well considered for each courtyard space to help activate the space as an amenity for residents at a scale suitable for the neighborhood (PL2-B, PL3-A, DC1-A2, DC3 a1 and B2, DC3-Iii, DC4).
3. **Entry.** The Board unanimously supported the entrance on Aloha Street, which breaks up the massing facing the single family zone and allows visual access from the street and sidewalk in to the courtyard area.

- a) The Board noted that the entry on Aloha Street allows additional space for the uninterrupted landscape terraces on 11th Avenue E. The Board felt the low retaining wall landscape terraces are particularly important for the project as a connection to the existing landscape context. At the Recommendation Meeting the Board requested to review a well detailed landscape plan which demonstrates how the lush landscape buffer demonstrated within the EDG packet will be achieved (PL3-B, DC3-C1 and C3, DC3-Iiv, DC3-II).
 - b) The Board felt access to services along 11th Avenue E was more appropriate than on Aloha Street. At the Recommendation Meeting, the Board requested to review additional information demonstrating how the service space and doorway would be treated to provide a quality pedestrian experience along the street (CS1-C2 and DC1-C4).
 - c) At the Recommendation Meeting, the Board would like to see the where solid waste and recycling storage space staging will occur (DC1-C4).
- 4. Materials.** The Board encouraged use of durable, quality materials, respectful of the existing materiality context of the historic neighborhood.
- a) The Board felt to successfully integrate a modern architectural concept into a historic neighborhood context the building must include a very high-quality material application that is consistent with the existing historic context. The Board highly encouraged the use of brick, consistent with the existing 1910 and 1920 context (CS3-A1, CS3-A3, CS3-I, DC2, DC4-A1, DC4-II).
 - b) The Board noted cement panel siding and a colorful material application would not be appropriate for this location in the city (CS3-I, DC4-A1).
 - c) The Board also noted that the scale of the material is particularly important and that quality should be expressed in each architectural detail: windows, steps, railing, lighting, and fenestration (DC4-A1).

FINAL RECOMMENDATIONS: May 27, 2015

- 1. Height, Bulk, and Scale. The Board recommended approval of the overall massing and design concept as a response to the zone transition and scale of nearby development.**
 - a. The Board noted that the changes to height bulk and scale since the Early Design Guidance meeting are an improvement in the response to zone transitions. (CS2-D, CS2-I, CS2-II)
 - b. The overall composition, materials, and composition are a positive design response to nearby context. (CS3-A, DC2-D, DC4-A)
 - i. The Board commended the neighborhood and applicant team on collaborating for a better overall design.
- 2. Materials. The Board recommended approval of the overall material palette, with one modification at the southeast corner.**
 - a. The Board recommended a condition that the yellow color on the upper south façade near the southwest corner be modified to reflect other street and alley

CS1-C Topography

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

Capitol Hill Supplemental Guidance:

CS2-I Streetscape Compatibility

CS2-I-v. Multiple Frontages: For buildings that span a block and “front” on two streets, each street frontage should receive individual and detailed site planning and architectural design treatments.

CS2-III Height, Bulk, and Scale Compatibility

CS2-III-i. Building Mass: Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.

CS2-III-iii. Sunlight: Design new buildings to maximize the amount of sunshine on adjacent sidewalks throughout the year.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

Capitol Hill Supplemental Guidance:

CS3-I Architectural Concept and Consistency

CS3-I-iv. Materials: Use materials and design that are compatible with the structures in the vicinity if those represent the neighborhood character.

PUBLIC LIFE

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

Capitol Hill Supplemental Guidance:

PL2-I Human Scale

PL2-I-i. Building Entries: Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture.

PL2-II Pedestrian Open Spaces and Entrances

PL2-II-i. Entryways: Provide entryways that link the building to the surrounding landscape.

PL2-II-ii. Link Open Spaces: Create open spaces at street level that link to the open space of the sidewalk.

PL2-III Personal Safety and Security

PL2-III-i. Lighting/Windows: Consider

- a. pedestrian-scale lighting, but prevent light spillover onto adjacent properties
- b. architectural lighting to complement the architecture of the structure
- c. transparent windows allowing views into and out of the structure—thus incorporating the “eyes on the street” design approach.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-C Parking and Service Uses

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-C Secondary Architectural Features

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

DC3-C-3. Support Natural Areas: Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

Capitol Hill Supplemental Guidance:

DC3-I Residential Open Space

DC3-I-i. Open Space: Incorporate quasi-public open space with residential development, with special focus on corner landscape treatments and courtyard entries.

DC3-I-ii. Courtyards: Create substantial courtyard-style open space that is visually accessible to the public view.

DC3-I-iv. Upper-floor Setbacks: Set back upper floors to provide solar access to the sidewalk and/or neighboring properties.

DC3-I-vi. Landscape Materials: Use landscape materials that are sustainable, requiring minimal irrigation or fertilizer.

DC3-II Landscape Design to Address Special Site Conditions

DC3-II-i. Aesthetic Consistency: Maintain or enhance the character and aesthetic qualities of neighborhood development to provide for consistent streetscape character.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close.

Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

Capitol Hill Supplemental Guidance:

DC4-II Exterior Finish Materials

DC4-II-i. Building exteriors: Should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern or lend themselves to a high quality of detailing are encouraged.

1. Use wood shingles or board and batten siding on residential structures.
2. Avoid wood or metal siding materials on commercial structures.
3. Provide operable windows, especially on storefronts.
4. Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.
5. Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.
6. The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation was based upon the departures' potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

1. **Side Setback (SMC 23.45.518.A):** The Code requires a minimum of 5' and an average of 7' setback from side property lines. The applicant proposes a 0' setback from the side (south) property line, near the southeast corner of the site to allow the solid waste area to be enclosed.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines DC1-C and DC1-II by providing a solid waste enclosure with screening at the sides and from above, consistent with the Board's Early Design Guidance.

The Board unanimously recommended that DPD grant the departure.

- 2. Amenity Area (SMC 23.45.522.A.2):** The Code requires that 50% of the required residential shared amenity area shall be provided at ground level (1,187.5 square feet for this particular project). The applicant proposes 730 square feet of the shared residential amenity area at ground level. The covered courtyard entry, roof deck, and individual amenity spaces don't qualify to meet this requirement. Other areas at ground level are designated for individual private amenity areas. The total amenity area for the development exceeds the Land Use Code requirements.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines CS2-B, PL1-C, and DC3-B by providing usable shared courtyard in response to sloping topography, a rooftop deck areas for residents, and individual amenity space for residents.

The Board unanimously recommended that DPD grant the departure.

RECOMMENDATION

The recommendation summarized above was based on the design review packet dated May 27, 2015, and the materials shown and verbally described by the applicant at the May 27, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design with the following conditions. (Applicable Guidelines are listed in parentheses following the condition.)

- 1. Modify the yellow color on the upper south façade near the southwest corner to reflect other street and alley facing materials in the building expression. The Board was supportive of the yellow color on the courtyard facing facades. (DC2-B)**
- 2. Modify the Aloha courtyard entrance to include a fence and gate. The fence and gate design should be an artful creative addition to the pedestrian streetscape. (PL3-B, DC2-D, DC4-A, DC4-II)**

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their

recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

Subject to the following conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on May 6, 2015, the Board recommended approval of the project with the following conditions:

1. Modify the yellow color on the upper south façade near the southwest corner to reflect other street and alley facing materials in the building expression. The Board was supportive of the yellow color on the courtyard facing facades. (DC2-B)
2. Modify the Aloha courtyard entrance to include a fence and gate. The fence and gate design should be an artful creative addition to the pedestrian streetscape. (PL3-B, DC2-D, DC4-A, DC4-II)

Five members of the East Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

Applicant response to Recommended Design Review Condition: *(Example where the response is fine for MUP decision, but results in a MUP condition to be satisfied prior to building permit issuance)*

1. The yellow color on the upper south façade has been modified to smaller accent panels within a darker gray frame, as shown in the MUP plan sets.
2. A decorative gate and fence have been added to the Aloha entry, as shown in the MUP plan sets.

The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

The Director agrees with the Design Review Board's conclusion that the proposed project design results in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departure with the conditions summarized at the end of this Decision.

II. ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated December 29, 2014. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans, including site survey, and any additional information in the file. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Codes and development regulation applicable to this proposed project will provide sufficient mitigation from short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08).

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during demolition, excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Construction Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The immediate area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. As indicated by the Parking Utilization Study submitted with this application, on-street parking is heavily utilized in this area. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted. To mitigate construction truck trip impacts, the applicant shall submit a Construction Haul Route for approval by Seattle Department of Transportation. This haul route may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of the approved haul route shall be provided to DPD prior to the issuance of demolition, grading, and building permits. The approved Construction Haul Route and written evidence of SDOT approval of the Haul Route shall be included in a Construction Management Plan.

To mitigate construction parking impacts pursuant to SMC 25.05.675.B (Construction Impacts Policy), the Construction Management Plan shall also include a construction parking plan. The construction parking plan shall demonstrate the location of the site, the peak number of construction workers on site during construction, the location of nearby parking lots that are identified for potential pay parking for construction workers, the number of stalls per parking lot identified, and a plan to reduce the number of construction workers driving to the site.

Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; obstruction of private views, increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the

relatively minor contribution of greenhouse gas emissions from this project. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.” The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process for any new project proposed on the site. Additional mitigation is not warranted under SEPA.

Parking

The proposed development includes 34 residential units with no off-street vehicular parking spaces. The parking utilization study (William Popp Associates, dated April 7, 2015) indicates a peak demand for approximately 13 vehicles from the proposed development. The study notes that the existing on-street parking utilization rate is approximately 101% within 800’ of the site. The proposal would result in a theoretical additional impact to on-street parking utilization, and the total cumulative parking demand with other projects in the vicinity would result in a theoretical utilization of 110%.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in the Capitol Hill Urban Center. This site is located in that Urban Center, and the project is mostly residential with some commercial. Regardless of the parking demand impacts from residential uses, no SEPA authority is provided to mitigate impacts of parking demand from this residential project.

Traffic

The Traffic Impact Analysis (William Popp Associates, dated December 19, 2014) indicated that the project is expected to generate a net total of 106 daily vehicle trips, with 10 net new PM Peak Hour trips. The DPD Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – Design Review

Prior to Building Final

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).
2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

CONDITIONS - SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

4. The applicant shall provide a copy of a Construction Haul Route, approved by Seattle Department of Transportation.

5. A Construction Parking Plan, approved by the Land Use Planner (Shelley.bolser@seattle.gov), shall be required.

Signature: Betty Galarosa for Date: September 8, 2015
Shelley Bolser, AICP, LEED AP
Land Use Planning Supervisor
Department of Planning and Development

SB:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.